

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015050922

v.

TORRANCE UNIFIED SCHOOL DISTRICT,

TORRANCE UNIFIED SCHOOL DISTRICT,

OAH Case No. 2015090531

v.

PARENT ON BEHALF OF STUDENT.

AMENDED¹ ORDER GRANTING
DISTRICT'S PEREMPTORY
CHALLENGE

On September 22, 2015, District filed a peremptory challenge, seeking to disqualify Administrative Law Judge (ALJ) Kara Hatfield from hearing this case.

District's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act (APA), and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A

¹ On September 23, 2015, the undersigned issued an Order Granting Peremptory Challenge that (a) contained an incorrect caption, and (b) made incorrect references to "Student's" peremptory challenge, when the challenge was in fact made by District. This Amended Order corrects those errors, and is in all other respects identical to the September 23, 2015 Order.

peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

District's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

IT IS SO ORDERED.

DATE: October 12, 2015

/s/

JUNE R. LEHRMAN

Presiding Administrative Law Judge
Office of Administrative Hearings